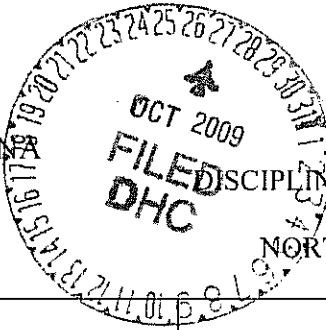


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
09 DHC 27

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

RONALD L. PRESSLEY, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of the Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Ronald L. Pressley ("Pressley" or "Defendant"), was admitted to the North Carolina State Bar in 1996, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During part of the relevant periods referred to herein, Pressley was engaged in the practice of law in the State of North Carolina and maintained a law office in Raleigh, Wake County, North Carolina.

4. During part of the relevant periods referred to herein, Pressley was administratively suspended from the practice of law in the State of North Carolina pursuant to N.C. Gen. Stat. § 84-16 and 27 N.C.A.C. 1D § .0903 for failing to comply with Continuing Legal Education requirements for the year 2005.

5. In 2004, Pressley agreed to represent Dr. Ray Legen and Mrs. Susan Legen ("the Legens") in two personal injury cases related to two separate automobile accidents which occurred in April 2004.

6. Pressley filed a complaint on behalf of Dr. Legen on 22 March 2007, but failed to provide a copy of the complaint to Dr. Legen or otherwise notify Dr. Legen that the complaint had been filed. Pressley also filed a complaint on behalf of Mrs. Legen on 22 March 2007 but failed to provide a copy of the complaint to Mrs. Legen or otherwise inform Mrs. Legen that the complaint had been filed.

7. On 22 March 2007, when he filed the complaints on behalf of the Legens, Pressley's law license was administratively suspended.

8. Throughout the representation, Pressley failed to return phone calls and email messages from the Legens inquiring about the status of their cases. Because Pressley did not respond to their inquiries, the Legens did not know whether he had filed the complaints and were concerned about the possibility that their claims would be barred by the statute of limitations.

9. After he filed Dr. Legen's complaint on 22 March 2007, Pressley served the complaint and summons on one of the two named defendants. The summons for the second defendant was not served, and was returned marked "address unknown."

10. From May 2007 through May 2008, Pressley had six alias and pluries ("A & P") summonses issued in Dr. Legen's case. Each of the A & P summonses listed the same incorrect address for the second defendant, who was never served with the complaint.

11. Aside from issuing these A & P summonses bearing an incorrect address, Pressley failed to take any further action in Dr. Legen's case.

12. In 2008, Pressley agreed to settle Mrs. Legen's case for \$2,000.00. He did not consult with, or obtain authorization from, Mrs. Legen prior to accepting this settlement.

13. Pursuant to the settlement agreement, on 29 May 2008, State Farm Insurance issued a check for \$2,000.00, payable to Mrs. Legen and Pressley's law firm.

14. Pressley received the \$2,000.00 settlement check from State Farm, but did not notify Mrs. Legen that he had received settlement funds on her behalf.

15. Pressley did not deposit the check from State Farm into his firm's trust account or any other bank account, nor did he deliver the settlement proceeds to Mrs. Legen. The check from State Farm remained, un-negotiated, in Mrs. Legen's client file.

16. Pressley did not file a voluntary dismissal of Mrs. Legen's case, as required by the settlement agreement with State Farm.

17. In June 2008, Pressley left his law firm, taking all of his clients' files with him. He did not notify all of his clients of his separation from the firm.

18. Pressley did not notify his clients that—upon his separation from the firm—they could continue to be represented by Pressley, continue to be represented by the firm, or hire another lawyer.

19. In July 2008, the Legens called Pressley's former law firm and were told that Pressley no longer worked there. The firm provided the Legens with a phone number for Pressley, which they called repeatedly, seeking information about the status of their cases. Pressley failed to return the Legens' phone calls.

20. Pressley's former law partner informed the Legens that they could choose to remain as clients of the firm, in which case another attorney would assume responsibility for their representation.

21. The Legens decided that they did not want Pressley to continue to represent them, and that they wanted Pressley's former firm to represent them instead.

22. On 18 September 2008, Pressley's former partner sent Pressley an email informing him of the Legens' request for the firm to take over their cases. In that email, she directed Pressley return the Legens' files to her.

23. On 23 September 2008, Dr. Legen sent Pressley an email instructing Pressley provide the Legens' files to Pressley's former partner.

24. Issues related to Pressley's departure from his former law firm were arbitrated in the fall of 2008. Among other things, the arbitration order required Pressley to return client files to the firm.

25. Despite specific requests from the Legens and his former partner, and an arbitration order directing him to return client files to the firm, Pressley failed to return the Legens' files to his former firm.

26. On 9 December 2008, the Legens filed a grievance against Pressley with the State Bar. This grievance was assigned file number 08G1502.

27. On or about 6 January 2009, the State Bar issued a letter of notice to Pressley advising him that a grievance had been filed against him. Pressley received the letter of notice regarding file number 08G1502 by certified mail on 13 January 2009.

28. Pressley was required to respond within fifteen days of receipt of the letter of notice. He failed to respond within that time period.

29. On or about 24 February 2009, the State Bar sent Pressley a follow-up letter that noted his failure to respond to the letter of notice and reminded him of his obligation to respond.

30. On or about 6 March 2009, the State Bar sent Pressley another follow-up letter that noted his failure to respond to the letter of notice. Pressley was required to

respond to the follow-up letter by 16 March 2009. Pressley failed to respond by that deadline.

31. The State Bar received Pressley's response to the letter of notice on 18 March 2009. The response was incomplete.

32. On or about 24 March 2009, the State Bar sent Pressley a letter advising Pressley that his response failed to address several of the allegations set forth in the letter of notice. Pressley was required to provide the additional information requested in this letter by 14 April 2009. Pressley failed to respond by that deadline.

33. In late April 2009, a representative with the Chief Justice's Commission on Professionalism reminded Pressley of his obligation to respond to the State Bar's inquiries. Despite Pressley's assurances that he would respond to the State Bar's 24 March 2009 letter, he failed to do so.

34. On 18 May 2009, the State Bar issued a subpoena commanding Pressley to appear at the State Bar office for an interview. Pressley was personally served with the subpoena on 19 May 2009.

35. On 1 June 2009, Pressley appeared at the State Bar office pursuant to the subpoena to discuss grievance file number 08G1502. He did not, however, provide a written response to the State Bar's 24 March 2009 letter.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) & (b)(3) in that Defendant violated the Rules of Professional Conduct in effect at the time of his conduct as follows:

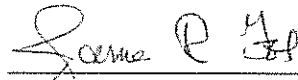
- (a) By failing to inform the Legens that he had filed complaints on their behalf and by failing respond to the Legens' inquiries about their cases, Pressley failed to keep his clients reasonably informed about the status of their legal matters in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (b) By filing complaints on behalf of the Legens when his law license was suspended, Pressley engaged in the unauthorized practice of law in violation of Rule 5.5(a);
- (c) By agreeing to settle Mrs. Legen's case without informing Mrs. Legen of the settlement offer and obtaining her authorization, Pressley failed to promptly inform his client of a decision with respect to which her informed consent was required in violation of Rule 1.4(a)(1), failed to reasonably consult with his client about the means by which her objectives were to be accomplished in violation of Rule 1.4(a)(2), and failed to explain a matter to the extent reasonably necessary to permit his client to make an informed decision regarding the representation in violation of Rule 1.4(b);

- (d) By failing to pursue Dr. Legen's personal injury case after filing the complaint and by failing to dismiss Mrs. Legen's case after receiving the settlement, Pressley failed to act with reasonable diligence and promptness in representing his clients in violation of Rule 1.3;
- (e) By failing to notify Mrs. Legen that he had received \$2,000.00 in settlement of her personal injury claim, Pressley failed to keep his client reasonably informed about the status of her legal matter in violation of Rule 1.4(a)(3);
- (f) By failing to deposit the settlement check from State Farm and failing to deliver the settlement proceeds to Mrs. Legen, Pressley failed to promptly deposit entrusted funds in violation of Rule 1.15-2(b) and failed to promptly deliver entrusted funds to his client in violation of Rule 1.15-2(m);
- (g) By failing to notify his clients, including the Legens, of his departure from the law firm and their right to choice of counsel, Pressley failed to promptly inform clients of a decision or circumstance with respect to which the clients' informed consent was required in violation of Rule 1.4(a)(1);
- (h) By failing to return the Legens' client files to his former firm upon request, Pressley failed to take reasonable steps to protect his clients' interests upon termination of the representation in violation of Rule 1.16(d); and
- (i) By failing to timely respond to the State Bar's 6 January 2009 letter of notice and 24 March 2009 letter requesting a complete response to the allegations of the grievance, Pressley failed to respond as required to lawful inquiries of a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3).

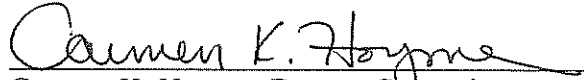
WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

The 23<sup>rd</sup> day of October, 2009.



James R. Fox., Chair  
Grievance Committee



Carmen K. Hoyme, Deputy Counsel  
State Bar No. 33998  
*Attorney for Plaintiff*

The North Carolina State Bar  
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